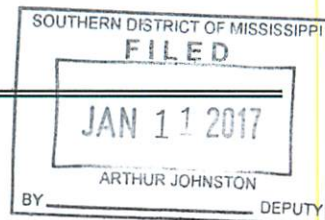


AO 91 (Rev. 08/09) Criminal Complaint



UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America)

v.)

Carlos Ignacio Bustos-Tinoco,)

Jimmy Penaloza-Lopez,)

Christian Penaloza-Mondragon, Rene Hernandez,)

and Kristina Denise Beldin)

Case No. 1:17mj503-RHW

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 10, 2017 in the county of Harrison in the
Southern District of MS, Southern Division, the defendant(s) violated:

Code Section

21 U.S.C. § 841(a)(1)

Offense Description

Possession with Intent to Distribute a Controlled Substance, to wit,
 methamphetamine, a narcotic drug controlled substance.

This criminal complaint is based on these facts:

See affidavit attached hereto and incorporated herein

☒ Continued on the attached sheet.*Complainant's signature*

Brian Norton, Task Force Agent, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/11/2017*Judge's signature*City and state: Gulfport, Mississippi

Robert H. Walker, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Brian A. Norton, being first duly sworn, state as follows:

Introduction

Your Affiant, Brian A. Norton, is a Task Force Agent (TFA) with the United States Drug Enforcement Administration (DEA), United States Department of Justice (DOJ). TFA Norton has been a sworn law enforcement officer with Moss Point Police Department since October of 2008, with two additional years of service. TFA Norton was deputized as a Task Force Agent in September of 2014. TFA Norton is authorized to perform duties as provided by law and department regulations and as such participates in investigations enforcing Title 21 of the United States Code and other criminal laws of the United States. He has received special training in the enforcement of laws concerning controlled substances as found in Title 21 of the United States Code.

He has participated in and has conducted investigations which have resulted in the arrest and conviction of individuals who have smuggled, received, and distributed controlled substances, as well as the seizure of illegal drugs and proceeds derived from the sale of those illegal drugs. In addition, he has conducted, in connection with these and other cases, follow-up investigations concerning the concealment of narcotics-produced assets, money, bank records, and the identification of co-conspirators through the use of ledgers, telephone bills, and photographs, as related to drug trafficking. He has been involved in various types of electronic surveillance, in the execution of search and arrest warrants, and in the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the distribution and transportation of controlled substances, and of the laundering and concealing of proceeds from controlled substance trafficking.

Probable Cause Factual Basis

On January 01, 2017, confidential source 1, hereinafter referred to as CS1, contacted Task Force Agent (TFA) Jason Gazzo in reference to his/her communications with a Mexico based broker. CS1 related that after much negotiation, he/she was able to gain the trust of the broker and the two agreed on a 12 pound methamphetamine transaction for a sum of \$84,000 (\$7,000 a pound). CS1 was later contacted by two Sources of Supply (SOS) from the Houston, TX area. SOS identified as Carlos BUSTOS-TINOCO, communicated by cellular phone and provided an address. BUSTOS-TINOCO advised that the narcotics would depart Houston, TX on January 06, 2017, and they would contact CS1 once the couriers departed.

On January 09, 2016, CS1 contacted TFA Brian A. Norton stating the couriers are set to depart Houston, Texas via a commercial bus. CS1 obtained a photograph of the bus ticket

acquired through "El Expresso Bus Company." The bus ticket indicated a departure time of 9:00 p.m. from Houston, Texas, and it was destined to arrive in Gulfport, Mississippi at exit 31 off Interstate 10. CS1 advised TFA Norton that he/she received confirmation of two couriers from SOS BUSTOS-TINOCO. CS1 stated the couriers should arrive between 4:00 a.m. and 4:30 a.m. in Gulfport, Mississippi.

At approximately 3:30 a.m., TFA Norton, SA Thomas Deichmann, and TFA Mike Mason conducted mobile surveillance at the Flying J Truck Stop located off exit 31. At approximately 4:23 a.m., agents observed a Hispanic male, later identified as Rene HERNANDEZ exiting a blue "El Expresso Bus Company" commercial bus. Agents observed a white female identified as Kristina Denise BELDIN immediately following HERNANDEZ. Agents observed HERNANDEZ carrying a black bag off the bus. Agents observed BELDIN carrying a black rolling suitcase off the bus. Agents observed HERNANDEZ and BELDIN walk into the Flying J Truck Stop. Moments later, agents observed a heavy-set Hispanic female, later identified as Arlene Samantha GAUZIN-SANCHEZ, exit the bus with a small child. At the moment, agents were uncertain whether or not GAUZIN-SANCHEZ was affiliated with the drug trafficking organization. At approximately 4:43 a.m., agents observed a blue, newer model Nissan Maxima pulling into the parking lot of the Flying J Truck Stop. Agents observed HERNANDEZ, GAUZIN-SANCHEZ, and her child approach the blue Nissan Maxima. Moments later, agents observed HERNANDEZ, GAUZIN-SANCHEZ, and her child enter the blue Nissan Maxima. Prior to HERNANDEZ entering the vehicle, agents observed HERNANDEZ carry the two black bags to the blue Nissan Maxima and place the bags into the trunk of the vehicle before re-entering the Flying J Truck Stop to speak to a BELDIN. Shortly thereafter, BELDIN exited the Flying J Truck Stop and entered the blue Nissan Maxima.

Agents followed the blue Nissan Maxima onto Interstate 10 before observing the vehicle exit south-bound onto Hwy 49 in Gulfport, Mississippi (exit 34). Agents observed the vehicle pull into the Motel 6 located along Hwy 49. Agents observed five individuals exit the blue Nissan Maxima and approach the Motel 6 lobby. After a few minutes, the five individuals re-entered the blue Nissan Maxima and drove next door to the EconoLodge where several individuals exited the blue Nissan Maxima. Agents observed three males, HERNANDEZ, BUSTOS-TINOCO, and a Hispanic male later identified as Jimmy PENALOZA-LOPEZ walk towards their hotel room. Agents observed these three individuals coming in and out of room #110 of the EconoLodge. Due to the possibility of being compromised, agents ceased all mobile surveillance.

At approximately 7:50 a.m., TFA Mason observed the blue Nissan Maxima, previously utilized to transport HERNANDEZ, BELDIN, and GAUZIN-SANCHEZ, and her daughter parked and at the Motel 6 hotel near the swimming pool. TFA Mason observed HERNANDEZ coming in and out of room #213. TFA Norton was contacted by CS1 who stated BUSTOS-TINOCO was ready for confidential source 2, hereinafter referenced as CS2, who posed as CS1's brother-in-law to meet in reference to obtaining the 12 pounds of methamphetamine that

CS1 and BUSTOS-TINOCO previously discussed. CS1 obtained BUSTOS-TINOCO's location and relayed this information to CS2.

At approximately 10:23 a.m., CS2 departed the predetermined meeting location. At approximately 10:35 agents observed CS2 arriving at the Motel 6. Agents observed BUSTOS-TINOCO walk away from room #213 and walk down the stairs before entering CS2's vehicle. Agents observed a conversation between BUSTOS-TINOCO and CS2 and agents also heard the conversation via audio transmitter. BUSTOS-TINOCO advised CS2 the methamphetamine was in his family's room and to follow him. Moments later, BUSTOS-TINOCO exited CS2's vehicle and entered the blue Nissan Maxima. CS2 contacted TFA Norton via cell phone and advised TFA Norton of the conversation. Agents observed BUSTOS-TINOCO pull up to room #110 at the EconoLodge. Agents observed PENALOZA-LOPEZ, wearing a grey shirt and sweat pants, put a black suit case in the back seat of CS2's vehicle. CS2 stated he/she asked PENALOZA-LOPEZ if he was coming to the deal. CS2 stated PENALOZA-LOPEZ stated for them to "go on without him."

Agents were notified by CS2 that BUSTOS-TINOCO was on high alert and believed he/she was compromised. Surveillance agents conducted a traffic stop on the blue Nissan Maxima and placed BUSTOS-TINOCO into custody without incident. TFA Norton placed PENALOZA-LOPEZ into custody without incident. Agents' secured room #110 at the EconoLodge for further investigating purposes. Inside room #110, agents located a Hispanic female identified as Maria CERVANTES-RODRIGUEZ and GAUZIN-SANCHEZ along with two small children. Agents approached and secured room #213 at the Motel 6 where agents identified HERNANDEZ coming in and out of. Agents located HERNANDEZ, BELDIN, and another Hispanic male, identified as Christian PENALOZA-MONDRAGON, inside room #213.

SA Don Penny met with CS2 and retrieved approximately 6.3 kilograms of methamphetamine (ice). SA Penny conducted a field test which indicated a positive presence of methamphetamine.

SA Deichmann and TFA Norton advised CERVANTES-RODRIGUEZ of her Miranda rights. CERVANTES-RODRIGUEZ stated she spoke and understood the English language and agreed to answer questions without an attorney present. TFA Norton asked CERVANTES-RODRIGUEZ about the illegal narcotics that were being stored inside her room (EconoLodge room #110). CERVANTES-RODRIGUEZ stated she did not know about any illegal drugs and was in Gulfport for a mini vacation. CERVANTES-RODRIGUEZ stated her husband, Jimmy PENALOZA- LOPEZ did not tell her about any drugs or that he was part of any illegal drug distribution. TFA Norton observed CERVANTES-RODRIGUEZ being evasive during questioning; therefore, TFA Norton concluded the interview.

TFA Norton, TFA Rafael Bailey (Spanish-speaking translator), and SA Deichmann conducted an interview with another female present but not arrested. TFA Bailey advised her of

her Miranda rights (in Spanish) and asked her if she would answer questions. She stated she understood her rights and would answer questions. TFA Bailey asked her how she got to Gulfport, MS. TFA Bailey stated her husband, Carlos Ignacio BUSTOS-TINOCO, advised her to take a bus trip to Gulfport, Mississippi for a mini vacation. TFA Bailey asked her if she knew HERNANDEZ and BELDIN. TFA Bailey stated that she indicated she did not. TFA Bailey asked her if she rode the bus with HERNANDEZ and BELDIN. TFA Bailey stated she indicated she did not. TFA Bailey advised the female that agents watched her get off the "El Expreso Bus Company" commercial bus around 4:30 a.m. this morning. Agents observed two small children in the room with her and CERVANTES-RODRIGUEZ. TFA Bailey indicated she was being deceitful and evasive during questioning and agents ceased all questioning. There was no arrest made of the female.

TFA Ryan Brashear and TFA Bailey interviewed Jimmy PENALOZA-LOPEZ at the Gulfport Resident Office. Before questioning, TFA Bailey advised PENALOZA-LOPEZ of his rights per Miranda (in Spanish). TFA Bailey stated PENALOZA-LOPEZ stated he understood his rights and agreed to cooperate by answering questions. TFA Bailey asked PENALOZA-LOPEZ to describe how he got to Gulfport, Mississippi. TFA Bailey stated PENALOZA-LOPEZ stated BUSTOS-TINOCO asked him if he wanted to come with him to Gulfport, MS to pick up some money. TFA Bailey stated PENALOZA-LOPEZ invited his cousin, Christian PENALOPEZ to Gulfport, MS as well. TFA Bailey stated PENALOZA-LOPEZ stated BUSTOS-TINOCO stated he would compensate them for making the trip with him. TFA Bailey stated PENALOZA-LOPEZ saw BUSTOS-TINOCO put the "drugs" in a small black suit case while they were at his house. TFA Bailey stated PENALOZA-LOPEZ stated he also witnessed BUSTOS-TINOCO put the drugs inside the car in Houston, Texas. TFA Bailey stated PENALOZA-LOPEZ stated GAUZIN-SANCHEZ was tasked by BUSTOS-TINOCO to watch and ensure the drugs were delivered safely to Gulfport, MS by overseeing HERNANDEZ and BELDIN. TFA Bailey stated PENALOZA-LOPEZ stated HERNANDEZ and BELDIN didn't know they were being watched by GAUZIN-SANCHEZ. TFA Bailey stated PENALOZA-LOPEZ stated he knew the drugs were in his hotel room and the drugs came in last night off a commercial bus.

SA Deichmann and TFA Norton interviewed Kristina BELDIN at the Gulfport Resident Office. TFA Norton immediately advised BELDIN of her rights per Miranda. BELDIN stated she understood her rights and agreed to answer questions. TFA Norton asked BELDIN how she arrived at Gulfport, MS. BELDIN stated she was approached by HERNANDEZ about taking a free trip and making a few extra dollars. BELDIN stated she entertained HERNANDEZ's proposition and agreed to take the trip with her friend, HERNANDEZ. BELDIN stated she traveled under an alias "HALEY AREOLA" because "HALEY AREOLA" backed out at the last minute. BELDIN stated she knew about the drugs inside the suitcase but was unsure as to how much drugs were inside the suitcase. TFA Norton asked BELDIN how she knew about the drugs

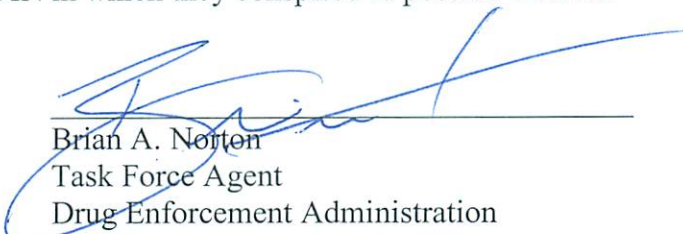
inside the suitcase, and BELDIN replied, "Rene (HERNANDEZ) told me." BELDIN stated she was promised \$1,000.00 for taking the trip with HERNANDEZ.

TFA Bailey and SA Keith Chappell interviewed BUSTOS-TINOCO. TFA Bailey advised BUSTOS-TINOCO of his rights per Miranda (in Spanish). TFA Bailey stated BUSTOS-TINOCO understood his Rights and chose to cooperate by answering questions. TFA Bailey asked BUSTOS-TINOCO how he facilitated the narcotics to Gulfport, MS. TFA Bailey stated BUSTOS-TINOCO stated he was approached by an acquaintance of his and was asked to do a favor. TFA Bailey stated BUSTOS-TINOCO stated he asked PENALOZA-LOPEZ to take a trip with him. BUSTOS-TINOCO stated he was going to pay PENALOZA-LOPEZ \$300.00 for assisting him. TFA Bailey stated BUSTOS-TINOCO stated he tasked Christian PENALOZA-MONDRAGON to find a white girl (BELDIN) and another acquaintance to transport the narcotics. BUSTOS-TINOCO stated HERNANDEZ and BELDIN brought the dope to Gulfport, Mississippi via "El Expresso Bus Company." During the interview, BUSTOS-TINOCO also implicated his wife, GAUZIN-SANCHEZ. TFA Bailey stated BUSTOS-TINOCO admitted full culpability to facilitating the shipment of 12 pounds of methamphetamine (ice) to the Southern District of Mississippi.

After processing, Carlos Ignacio BUSTOS-TINOCO, Jimmy PENALOZA-LOPEZ, Christian PENALOZA-MONDRAGON, Rene HERNANDEZ, and Kristina Denise BELDIN were transported to Harrison County Correctional Facility pending an initial appearance.

CONCLUSION

Based upon my experience as a DEA Task Force Agent and the facts listed above, it is my opinion that there is probable cause to believe that violations of Title 21, United States Code, Section 846, have been committed in the Southern District of Mississippi by Carlos Ignacio BUSTOS-TINOCO, Jimmy PENALOZA-LOPEZ, Christian PENALOZA-MONDRAGON, Rene HERNANDEZ, and Kristina Denise BELDIN in which they conspired to possess with the intent to distribute methamphetamine (ice).


 Brian A. Norton
 Task Force Agent
 Drug Enforcement Administration

Sworn to and subscribed before me this 11th day of January, 2017.


 ROBERT H. WALKER
 UNITED STATES MAGISTRATE JUDGE